

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2325

THIS DOCUMENT RELATES TO:

JOYCE PRICE

Plaintiff,

v.

Civil Action No. 2:13-cv-18022

AMERICAN MEDICAL SYSTEMS, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

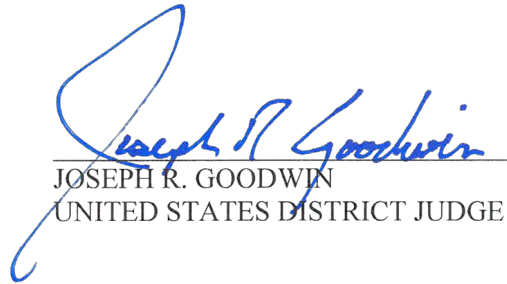
On October 22, 2018, a Suggestion of Death was filed by plaintiff's counsel suggesting the death of plaintiff Joyce Price. [ECF No. 13].

Pursuant to Federal Rule of Civil Procedure 25(a) and Pretrial Order ("PTO") # 259 (Requirements for Counsel to Deceased Plaintiffs) filed in *In re: American Medical Systems, Inc., Pelvic Repair System Products Liab. Litig.*, 2:12-md-2325 [ECF No. 6347], the time to substitute a proper party for the deceased party has expired. On November 14, 2018, plaintiff's counsel filed a Motion to Substitute Party, but the motion was denied on November 28, 2018. Thereafter, in Plaintiff's Response to Show Cause Order filed on January 3, 2019 [ECF No. 23], counsel stated that an heir of the deceased has agreed to open an estate and obtain an appropriate representative. Over a year since counsel indicated a representative would be appointed and 433 days since the filing of the Suggestion of Death, there has been no motion to substitute the deceased party. Joyce Price is the only plaintiff named in this civil action.

The court **ORDERS** that pursuant to Rule 25(a) and PTO # 259, this case is **DISMISSED without prejudice** and **STRICKEN** from the docket. Any pending motions are **DENIED** as moot.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: February 4, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE